

APPROVED: Meeting No. 9-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING No. 7-82

February 8, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 8, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Tyner

ABSENT

Councilman John Freeland
(on travel leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; Director of Finance John Lawton; Information Officer Sue M. Patterson; Director of Recreation and Park Ronald Olson; Budget Officer Anna Lee Berman; Director of Community Resources Bert Drayton; Assistant City Manager Daniel Hobbs; City Clerk Helen Heneghan.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City has received copies of the eight applications for the cable television franchise that was submitted to Montgomery County. They stand in a stack 9½ feet high. The City will be going through the applications to see their impact on Rockville.

2. The New York State Teachers Retirement Fund has engaged the firm of Gladstone Associates to do market studies and to determine the worth of the Rockville Mall.

Mayor Hanna commented that the City is continuing cable negotiations with Montgomery County and should reach a conclusion in the next two weeks.

3. Ron Olson reported to the Mayor and Council on the Woodley Gardens Senior Center. He said the City has hired a Senior Citizen Center Supervisor, Alyse Holstein. She has 12 years experience in the field of senior affairs. Mr. Olson proceeded to give an update to the Council on physical improvements to the Senior Center and noted the fact that the City has received many donations.

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The goal is to open the center by the second week of March and have a grand opening week in the middle of April. He presented the Mayor with a carnation made by the seniors representing the center which is on Carnation Drive. Mayor Hanna thanked Mr. Olson and everyone who has worked to see this dream to fulfillment.

Mayor Hanna welcomed Bruce Goldenshon, Mayor of Gaithersburg, present in the audience this evening. Mayor Hanna then recognized Rev. Mansfield Kaseman and the six candidates from his church for confirmation. Rev. Kaseman introduced the young people who are here at the Council meeting this evening as part of their Civics project.

Re: Award of Contract: Bid No.
23-82, Hand Held Transceivers

Bids were opened in the contract office at 3:00 p.m. on December 24, 1981, for seven hand-held transceivers. These are used by the police force to request information or assistance when they are away from their vehicles.

Invitations were sent to 23 manufacturers and two bids were received.

General Electric Company, Towson, Maryland	\$10,562.23
Motorola Corporation, BWI Airport, Maryland	16,000.00

The staff recommends an award to General Electric Company in the amount of \$10,562.23.

On motion of Councilwoman Fordham, duly seconded and passed by unanimous vote of all those present, Bid No. 23-82 for hand-held transceivers was awarded to the General Electric Company in the amount of \$10,562.23.

Re: Award of Contract: Bid
No. 24-82, Furniture for
Woodley Senior Center

Bids were opened in the Council Chamber at 3 p.m. on January 7, 1982, for furniture for the Woodley Gardens Senior Citizen's Center.

Bids for the lounge furniture consisting of six oak tables, 12 one- and two-seat chairs and six guest arm chairs were as follows:

W.D. Campbell Company, Washington, D.C.	\$4,437.12
Duoron Inc., Owings Mills, Maryland	5,123.60
Lucas Brothers Inc., Baltimore, Maryland	5,193.00
Sears Roebuck & Company, Bethesda, Maryland	5,260.40
Commercial Office Furniture Company, Lanham, Maryland	5,641.00
Glover School & Office Equipment Co., Cockeysville, MD	7,925.00

The remaining furniture, including stackable chairs, folding tables, food tables and miscellaneous items need to be rebid. Some of the bidders had difficulty interpreting the specifications so that the staff was not able to evaluate prices for comparable items. The specifications will be rewritten and clarified.

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It is recommended that an award be made to Campbell Furniture Company in the amount of \$4,437.12 for the lounge furniture. It is also recommended that the staff be instructed to rebid the stackable chairs, folding tables, food tables and miscellaneous items.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 24-82 for furniture for the Woodley Gardens' Senior Center was awarded to W.D. Campbell Company, in the amount of \$4,437.12, and the staff was instructed to rebid the other items.

Re: Introduction of Ordinance:
To Repeal in its entirety
Chapter 15 of the Laws of
Rockville, entitled "Conflict
of Interest-Financial
Disclosure", and to enact a
new Chapter 15, entitled
"Ethics Provisions".

On motion of Councilman Abrams, there was introduced upon the table an ordinance to repeal in its entirety Chapter 15 of the Laws of Rockville, entitled "Conflict of Interest-Financial Disclosure", and to enact a new Chapter 15, entitled "Ethics Provisions", said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance
To Adopt the "Twinbrook
Neighborhood Plan" as an
amendment to the adopted
Master Plan for Rockville

Councilman Tyner pointed out errata that must be added to the ordinance prior to introduction.

On motion of Councilman Tyner, there was introduced upon the table an ordinance adopting the "Twinbrook Neighborhood Plan" as an amendment to the adopted Master Plan for Rockville, said ordinance to lay over at least one week before final action is taken. Mayor Hanna asked if there were anything in the ordinance that the neighborhood association disapproves. The president of the Twinbrook Association, Beth Carey, said the neighborhood is quite in favor of it. Mayor Hanna noted there is no reason to hold the ordinance over.

Ordinance No. 6-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the lay over and second publishing requirements for the ordinance were waived.

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On motion of Councilman Tyner, duly seconded and passed by a unanimous vote of all present, Ordinance No. 6-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, adopting the Twinbrook Neighborhood Plan as an amendment to the adopted Master Plan was adopted by the Mayor and Council.

Re: Review of Testimony on
HB-631, Enclave Legislation

Delegates Forehand and Woods have introduced House Bill 631, which rectifies the present tax inequity with respect to the tax islands in municipalities.

Council reviewed the testimony and approved it by consent. Mayor Hanna will give the testimony.

Re: Approval of Budget for
Enchanted Evenings 82-83

This is a proposed schedule for the 1982-1983 Performing Arts Subscription Series. Indicated in the schedule is an optional consideration for a children's youth concert series that would be performed during a Saturday matinee. Otherwise the proposed 1982-1983 series is scheduled for two (2) performances (Friday and Saturday) as opposed to the current three (3) day performance schedule.

It is recommended that the "Meet the Artist Reception" concept for 1982-1983 be dropped. The interest on the part of the subscribers has been low and the expense is a direct cost to the overall series, not recovered in revenues.

It is also recommended that the Candlelight Dinners be eliminated. The current series offers an option to purchase a pre-performance dinner in the Mansion at \$12.50.

A staff committee along with June Allen developed the program and budget estimates and plans to submit a Mid-Atlantic Arts Grant for the Concerto Soloist of Philadelphia. This grant allows for awards not to exceed \$2,500.

<u>PERFORMING GROUP</u>	<u>WITH CHILDREN</u>	<u>WITHOUT CHILDREN'S MATINEE</u>
National Players ("The Miser")	\$ 7,000	\$ 6,000
Olympia Brass Band of New Orleans	10,000	10,000
Concerto Soloist of Philadelphia	8,000	7,000
*North Carolina Dance Theatre	7,700	7,700
The Chinese Magic Circus of Taiwan	8,000	7,000
Paul Hill Chorale	6,000	5,000
	<u>\$46,700</u>	<u>\$42,700</u>

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EXPENDITURES

Advertise	2,000	1,500
Graphics	3,000	2,500
Brochure	5,000	5,000
Postage	2,000	2,000
Performing Groups	46,700	42,700
Supplies	1,500	1,000
Tickets	550	500
Part-time Help	4,000	3,000
	<u>\$ 64,750</u>	<u>\$ 58,200</u>

REVENUES

Adult Subscription Series (48.50 x 1000)	\$ 48,500**	48,500**
Children's Series (500 x \$4 = \$2,000 x 6 =)	12,000**	-0-
Intermission Sales	600	600
	<u>\$61,100</u>	<u>\$ 49,100</u>
	(3,650)	(9,100)

*Fee is for 1/2 week (4 days) of services and has been reduced from the original fee by 30 percent endowment funds.

**100 percent sell out.

Ron Olson and June Allen briefed the Council on the program for the next fiscal year. The Council discussed the program at length. Councilwoman Fordham asked the cost to the City for the dinners. Mr. Peters said they have been operating at a loss of approximately \$2,800. Councilwoman Fordham said that is not much with the benefit that is gained and she feels that the program should be included. Councilman Abrams asked if thoughts had been given to insuring the sell out for the children's concert. Ms. Allen explained it would be offered first to the children of adult subscribers, then to schools, etc. Councilman Abrams asked about the door sales. Ms. Allen said although some will be sold at the door not many. Councilman Tyner supported the dinners. He asked if groups looking at the auditorium have a problem with the physical facilities. Mr. Olson said none of these groups had. Ms. Allen commented that improvements to backstage would certainly expand the appeal. Councilman Tyner asked the City Manager the status of the planned improvements. The City Manager said a memo would be coming in the next brief book. Councilman Tyner suggested that the meet-the-artist-reception continue since it is well attended. Mr. Olson said the City's chief expense for the reception is staff time. Mr. Tyner said he would like to see it restored.

Councilwoman Fordham suggested it even be held in the lobby. The staff explained a problem since the hall is more accessible to the back lot and more easier to clean due to the carpeting in the lobby. Mayor Hanna suggested that the wine and cheese cost be put into the City's public relations budget and that the staff not worry about the revenue from the children's series since it is an educational experience. He did ask that the ticket allow for each child to bring a grandparent. Councilwoman Fordham agreed and said even surrogate grandparents should be included.

Councilwoman Fordham moved, duly seconded and passed by unanimous vote of all present, that the budget be adopted with the recommendations of the Council including the dinners, reception and the grandparent ticket be included.

Re: Recommendations on
Emergency Assistance
Program

This is the result of the efforts of the Emergency Assistance Task Force which was formed to respond to Mayor and Council establishment of a \$100,000 Contingency Fund for Emergency Assistance. While the Task Force has been constrained so far by the uncertainty of the impact that the Regan budget cuts are having on Rockville citizens, the Task Force has made progress in defining the problems City residents may face. Based upon these findings, the City Manager recommends a Rockville Emergency Assistance Program to begin immediately.

When the Mayor and Council funded the contingency in the FY 1982 budget, the following guidelines were discussed.

- o Any assistance we provide will be short term, last resort, emergency assistance.
- o Assistance should be provided only for basic human needs: food, shelter, and medical care.
- o Our assistance should not supplant other public or private sector efforts.
- o The assistance program should be designed in such a way to involve financial resources of the private sector and the involvement of the community to ensure that assistance will be ongoing.

With these guidelines in mind, the Emergency Assistance Task Force met over a period of months to assess the need for a program and, if the need were found, to develop program guidelines and recommendations. Task Force members spoke to county, state and federal program officials and worked with people in the community who are familiar with assistance needs. Based upon this research, several key findings emerged.

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1. Up to 1,727 Rockville citizens will lose some basic income maintenance funds as a result of budget cuts and this may lead to the need for emergency assistance.
2. Given the potential scope of need, involvement of the private sector and the community at large will be crucial for success.
3. Establishment of a special revenue fund to handle the appropriation and to receive contributions is our best overall funding strategy.
4. The new County Emergency Assistance program should be utilized before using any City funds for assistance.
5. A work requirement would be difficult to administer and may have more administrative cost than the value of the work delivered.
6. A blue ribbon committee, or roundtable discussions with the community, are two approaches we may want to utilize in implementing a program.

The City Manager recommends:

1. The Mayor and Council approve the concept of the Rockville Emergency Assistance Program as outlined.
2. The Mayor and Council approve a resolution establishing an Emergency Assistance Special Revenue Fund within the City's financial structure so that this fund will be able to earn a pro rata share of interest and be able to receive donations from the community.
3. The Mayor and Council establish a committee to develop a fund raising component for the Emergency Assistance Program. This committee should include representatives from the City government and the community.
4. The Mayor and Council approve execution of a contract with the United Church Center for Community Ministries to administer the Rockville Emergency Assistance Program, based upon the administrative procedures attachment to the report.
5. As soon as the program can be implemented, Rockville's Public Information Office will begin publicity for the program.

Councilman Abrams asked if the program was reviewed for legality. The City Manager said it is being reviewed now. Councilwoman Fordham commented that she is most delighted to see it. She cautioned against it becoming too bureaucratic or legalistic. There may be a potential for larger amounts and there should be a loan component for people in better neighborhoods because it could be that the money will go quickly, but if it doesn't a loan component should be worked in. Rev. Mansfield Kaseman of the United Church Ministry spoke. He commended the Mayor and Council and the staff for moving into this innovative area. He particularly extended his thanks to Anna Lee Berman for her administrative and management aptitude and ability to ask tough questions. Councilman Tyner

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asked what the special fund would entail. Mr. Lawton explained it would be handled separately like golf course or swim center funds and accounted separately. Councilman Tyner asked if there are additional government reporting requirements. Mr. Lawton said no. Councilman Tyner asked if \$100,000 would be added each year. Ms. Berman said that would be up to the Council's budgetary discussions but her idea is a sinking fund. Mayor Hanna spoke in favor of the program. Its excellence, its imagination and innovation that make sure that no one in the City of Rockville will ever go hungry. He read the four criteria of the program listed above and asked that this be noted by all citizens.

On motion of Councilman Abrams, duly seconded and passed by a unanimous vote of all present, the program was approved and the City Manager was instructed to bring back a resolution to the Council for adoption.

Re: Adoption of Ordinance:
To Amend Chapter 4 of
Laws of Rockville, entitled
"Elections", to clarify
the provisions governing
advisory referenda, the
descriptions of elections
districts and the absentee
voting requirements; to
delete the explanation require-
ments for voter assistance;
and to clarify the provisions
concerning campaign
finances and campaign
literature.

Councilman Tyner asked that the minutes clearly show that a candidate is a person who is selected by a party or a person who as an independent party decides to run for City office. He noted that in creating this amendment, all penalty clauses have been deleted. The City Attorney said a person is still subject to general charter provisions that makes non-compliance a misdemeanor. Mayor Hanna noted that the former penalty was out of line in severity but now there is no limiting factor. Councilman Tyner said only if a person is taken to court can there be a provision. Mayor Hanna asked that the penalty clause be reinserted. Mr. Titus suggested that the Council postpone this item until after citizen's forum while he draws up a penalty clause.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

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1. Bruce Goldensohn, Mayor of Gaithersburg. Mr. Goldensohn said he had no comments to make but just came here this evening as a visitor.

2. Howard Silberstein, 2008 Dundee Road. He noted for the Council that tomorrow night the Human Rights Commission's forums begin and he invited the Mayor and Council's participation.

3. James Vitol, 11 Wall Street. Mr. Vitol addressed the Council concerning the Town Center Development. He said the plans will be released on March 1 and the public hearing for citizens is March 8 for a March 15 decision. He felt the process was too rapid and was an inadequate time frame. Mayor Hanna presented a copy of the agreement summarization to Mr. Vitol and said the citizens have a month to review the provisions. Mr. Vitol still objected to the time schedule. Mayor Hanna explained what the hearing is about - simply the costs and the provisions of the contract, however, the original letter of understanding was signed six months ago and the process has been going on since 1979. Councilwoman Fordham also noted the Wednesday meeting that will be held for a briefing to the citizens and boards and commissions. Councilman Abrams said he could share Mr. Vitol's concern and he has agreed to the developer's offer subject to the way it is written in the legal agreement. Mayor Hanna added that the agreement was made in a conference call of the Mayor and Council and the City Manager and the agreement was unanimous subject to Councilman Abrams' condition. Councilman Abrams noted that any ambiguity in the agreement can be clarified at a public hearing. Mr. Vitol still objected to the crisis atmosphere. Mayor Hanna disagreed with Mr. Vitol in calling it a crisis since it has been a long and orderly process.

4. Bruce Goldensohn, Mayor of Gaithersburg. Mayor Goldensohn said that he would like to address the Council concerning the redistricting bill since he feels there is a case for litigation if citizens bring suit and he encouraged Rockville to reconsider its position in joining forces with Gaithersburg to fight the present alignment. Councilwoman Fordham said she has spoken with only one person who opposes it, but should there be any strong opposition she will act. Councilman Abrams said when the full Council is present, he expects another look to be taken at the redistricting plan because any dilution of municipalities' influence does not serve the City well.

5. John Brewer, 100 North Van Buren Street. Mr. Brewer told the Council that there is not sufficient information for citizens to evaluate the Town Center

Project. His opinion is the citizens were kept from input in the decision making process since it was all done behind closed doors. There was no adequate opportunity for citizens to debate the issue and now it will be necessary for them to reconstruct the Mayor and Council's process. Mayor Hanna explained the provisions of executive sessions and he said there should be no implication that the Mayor and Council has done something it shouldn't do since the executive session is provided just for that purpose - negotiations. It is not necessary for the citizens to reconstruct the Mayor and Council's process. Their job is simply to evaluate it but the public good has been served. Mr. Brewer said he is concerned since he does not have as much time as the Mayor and Council had. Mayor Hanna explained representative government in which the Mayor and Council are elected to represent the citizens and spend their time in negotiations and then present them to the citizens. Mr. Brewer said he still feels as a citizen he has been excluded from the process. Councilwoman Fordham suggested that instead of taking this line, the citizens adopt a can-do attitude and try to do it in the short period of time. She pointed out the books that are available this evening. Councilman Tyner said that the Council is all looking at the contract to see what it can do for Rockville's future. Mr. Brewer said his concern is did the Mayor and Council consider mixed residential uses and the traffic impact. Mayor Hanna suggested Mr. Brewer read the proposal to see what studies had been done. Councilman Abrams agreed and said Mr. Brewer is free to go to the staff or ask questions of the Mayor and Council to get these answers.

6. Robert Jacques. Mr. Jacques told the Council that they should consider the inherent seeds of decisiveness, that the new redistricting plan sows and the problems that can evolve due to the difference of outlook between the municipalities of Rockville and Gaithersburg.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Adoption of Ordinance:
To Amend Chapter 4 of
the Laws of Rockville, entitled
"Elections"

Ordinance No. 7-82

Mayor Hanna asked the City Attorney if he has the adopted language. The City Attorney said a new section 4-1.10 entitled Penalties will be added that should read "any person who shall violate any provision of this Chapter shall

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be guilty of misdemeanor and, upon conviction, be punishable by a fine not exceeding One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days, or both, in the discretion of the court, and each day's violation shall constitute a separate violation and a separate offense."

Councilman Tyner moved to amend the ordinance to include the City Attorney's language. The amendment was adopted by unanimous vote of all present.

On motion of Councilman Tyner, duly seconded and passed unanimously by all present, Ordinance No. 7-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council amending Chapter 4 of the Election Ordinance was adopted by the Mayor and Council. Councilman Tyner suggested that the language of his definition of a candidate be included. It was pointed out that a candidate is a person nominated by petition in conformity with the requirements of the Charter and until all requirements are satisfied, a person is not considered a candidate. Councilman Tyner suggested that be included in the minutes.

Re: Public Hearing: Street
Closing and Abandonment
Application, SCA-38-81
Mayor and Council of
Rockville, Applicant, request-
ing the abandonment of a 30
foot wide public service
drive and utility easement
across Lots 9 & 10, Block B
Red Gate Industrial Park

The Mayor and Council conducted a public hearing on Street Closing and Abandonment Application, SCA-38-81, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for one week.

Re: Work Session: Public Safety
Issues

Chief Stout gave a report to the Council on public safety in the City. Councilwoman Fordham asked questions concerning the problems with speeding that reoccur. She asked the status of the officer on the street program. Chief Stout said he expects to have it in place this spring. She asked why not sooner since it was last year's budget decision. He said there were not enough people on the force. In answer to her question as to how many there are now, he said there are 28 plus the 2 extra officers the Council requested on reserve. This is eight supervisors and 22

officers. Councilman Abrams said he would like to know the number of hand gun incidents that have occurred in the City. Councilman Tyner asked about cooperation with the State's Driving While Intoxicated Program. Chief Stout said the City's efforts are just part of the normal routine to supplement the State's activity. The force will be confronting shopping center owners concerning off sale as soon as the weather gets nicer. Mayor Hanna asked if the ACSC is still working well. Chief Stout said it is of good benefit. It speaks to youngsters and they know they must take responsibility. Mayor Hanna asked the status of the Council's policy of returning school age children to their parents or the schools. Chief Stout said that as of yet, he has been unable to reach closure and it is not a fully structured program. Mayor Hanna said he would hope at the junior high and elementary level there is some evidence of perserverance. Mayor Hanna asked the status of crimes against people. Chief Stout said they occur mostly within the families, and is spouse abuse and alcohol problems. Mayor Hanna asked that there be a concerted effort to see that all neighborhoods get the same coverages and support.

The Mayor and Council thanked Chief Stout.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Robert Turner, EDC, re Town Center development
2. Human Rights Commission, re Forum on Education
3. E. McGuckian, Peerless Rockville, re Dawson House

The City Manager said staff is working on a report and will come back to the Mayor and Council. It would cost about \$50,000 to bring this building up to code. The Council will await his report.

Re: Information Items

1. Memo from Director of Public Works re Traffic Signal Adjustments on Route 28 at Research Boulevard
2. Copy of letter to Montgomery County re liaison responsibility for closed schools
3. Memo re PRU process

Councilwoman Fordham said she agrees that the Council should not get into detailed planning for exploratory operation as is suggested in the memo. She asked the fastest time in which one can be processed. Mr. Davis explained that almost all of the ninetyday period is used up. Councilwoman Fordham asked if streamlined procedures could be worked out by a small task force. Councilman Tyner said it is not necessarily the processing time that slows down the schedule. Neighborhood input is

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3. Memo re PRU process (cont'd)

required even more so now with the new townhouse zone. He would not like to see the process altered. The City Manager agreed. Mayor Hanna said the basic process is okay and the staff does fine, but there are two problems - 1) the citizens and 2) the Mayor and Council. It would seem that the Mayor and Council like to get involved with details instead of just concepts. With a little self discipline on the part of the Mayor and Council the process should improve and citizens should be given a legitimate period of time, but the process should not go on forever. The number of meetings does not change the basic position which is sometimes the citizens just do not want any change in a neighborhood. The Council decided to leave the process just as is.

4. Flyer on Education Forum

5. MML memo from Chapter Vice-President

6. Correspondence on Woodburn/Denham storm drainage

7. Memo on Cable TV committee appointment

Councilman Tyner asked when an appointment would be made. Mayor Hanna said no appointment will be made until final agreement is made. Until that time, Mr. Hobbs is monitoring the meetings.

8. Memo on Federal Express

The Council agreed they would not get involved in this.

Re: New Business

1. Councilman Abrams brought to the Council's attention, Senate Bill No. 323 for municipalities to impose more stringent regulations on hand guns. It is LAC supported and the hearing will be on February 6 before the Judicial Proceedings Committee. The Mayor and Council agreed to support that bill.

2. Councilman Abrams asked if the Mayor and Council might reconsider the former redistricting decision. He said Councilman Freeland would like to do so and oppose the present redistricting plan. This will be brought forth at another meeting.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 4-82, January 25, 1982, were approved as written.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 11:50 p.m. to convene again on Monday, February 22, 1982, at 8:00 p.m. or at the call of the Mayor.